

**REMARKS**

**Formal Matters**

Claims 13, 15-16, 18-21 and 23-30 are pending after entry of the amendments set forth herein.

Claims 19 and 20 are currently withdrawn from consideration by the Examiner.

Claims 13, 15-16, 18, 21 and 23-30 were examined.

Claims 13, 15-16, 24-25 and 29-30 were rejected.

Claims 21, 23 and 26-28 were allowed.

Claim 18 was objected to.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

**The Office Action**

**Claim Objection (Claim 13)**

In the Official Action of January 31, 2011, the phrase “said at least one of said discrete threshold setting features” in claim 13 was objected to.

In view of the deletion of that phrase from claim 13 above, the Examiner is respectfully requested to reconsider and withdraw the objection to claim 13 as being moot.

**Claim 13 Rejected Under 35 U.S.C. Section 112, First Paragraph**

Claim 13 was rejected under 35 U.S.C. Section 112, first paragraph as failing to comply with the written description requirement. The Examiner indicated that it was unclear as to what “said feature of said valve” is reciting. The Examiner further asserted that selection is performed by contacting the selector member, not said at least one discrete threshold setting features.

In response, Applicants respectfully submit that claim 13, as previously drafted included the selector member as a discrete threshold setting feature. However, to further clarify this issue, claim 13

has been amended to recite a selector member and to recite that said selector member is what is manually contacted and moved.

Additionally, “said feature of said valve” has been deleted.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 13 under 35 U.S. C. Section 112, first paragraph as failing to comply with the written description requirement, as being inappropriate.

#### **Claim 13 Rejected Under 35 U.S.C. Section 112, Second Paragraph**

Claim 13 was rejected under 35 U.S.C. Section 112, second paragraph as being indefinite. The Examiner asserted, with regard to lines 17-17, that “said feature” lacked sufficient antecedent basis.

Applicants note that “said feature” has been deleted from claim 13 above.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 13 under 35 U.S.C. Section 112, second paragraph as being indefinite, as being no longer appropriate.

#### **Claim Rejected Under 35 U.S.C. Section 102(b) (Treu)**

Claim 30 was rejected under 35 U.S.C. Section 102(b) as being anticipated by Treu, U.S. Patent No. 5,630,935.

Claim 30 has been amended above to recite, *inter alia*, that “threshold fluid pressure levels, other than a discrete threshold fluid pressure level set by cooperation between said selector member and said at least one discrete threshold setting feature cannot be selected”. It is respectfully submitted that the pressure setting level of Treu is continuously adjustable and that Treu does not disclose discrete threshold setting features as claimed.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 30 under 35 U.S. C. Section 102(b) as being anticipated by Treu, U.S. Patent No. 5,630,935, as being inappropriate.

#### **Claims Rejected Under 35 U.S.C. Section 103(a) (Jackson in view Woodworth et al.)**

Claims 13, 15-16, 24-25 and 29 were rejected under 35 U.S.C. Section 103(a) as being

unpatentable over Jackson, U.S. Patent No. 4,623,335 in view of Woodworth et al., U.S. Patent No. 4,550,747.

The Examiner asserted that Woodworth et al. teaches that it is known to have a pressure operated valve adapted to allow selection of the threshold during use from a plurality of different thresholds by manually contacting the input keys of a keyboard for a computer controlled pressure relief valve. The Examiner suggested structurally defining how the user manually manipulates the features of the present invention to distinguish over inputting a threshold value to a computer system.

While Applicants maintain their view that Woodworth et al. is non-analogous art, in response to the Examiner's suggestion and in the interest of expediting prosecution, claim 13 has been amended above to recite that the selector member is mechanically and movably connected as part of said apparatus, and that the user manually contacts said selector member and moves it to one of a plurality of preset positions corresponding to said discrete threshold setting features, respectively. It is respectfully submitted that the references applied under this ground of rejection do not disclose, teach, or suggest such a selector member that is movable to preset positions as claimed.

Similarly, claim 29 has been amended to recite a selector member and manual selection by moving said selector member relative to said at least one discrete threshold setting feature. It is respectfully submitted that the references applied under this ground of rejection do not disclose, teach, or suggest such a selector member that is movable relative to said at least one discrete threshold setting feature as claimed.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 13, 15-16, 24-25 and 29 under 35 U.S.C. Section 103(a) as being unpatentable over Jackson, U.S. Patent No. 4,623,335 in view of Woodworth et al., U.S. Patent No. 4,550,747, as being inappropriate.

**Allowance of Claims 21, 23 and 26-28**

Applicants wish to extend their thanks to the Examiner for the allowance of claims 21, 23 and 26-28.

**Conclusion**

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number GUD-134.

Respectfully submitted,

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